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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,429	07/02/2003	Qiong Liu	FXPL-01064US0	6567
23910 7590 08/19/2009 FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108				
EXAMINER MONIKANG, GEORGE C				
ART UNIT 2614		PAPER NUMBER		
NOTIFICATION DATE 08/19/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OFFICEACTIONS@FDML.COM

### Office Action Summary

**Application No.**

10/612,429

**Applicant(s)**

LIU ET AL.

**Examiner**

GEORGE C. MONIKANG

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1.5-9.14 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1.5-9.14 and 17-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/18/2009 has been entered.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5, 7-8, 14, 18, 20 & 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Orbanes et al, US Patent Pub. 20020109680 A1.

Re Claim 1, Orbanes et al discloses a method for managing audio devices located at a live event during the live event (fig. 1: 102; paras 0012, 0102: live information fed through the data sources 102), comprising: capturing video content of the live event at a first location (fig. 1: 102; paras 0012, 0102, 0196: live information fed

through the data sources 102; and first location could be location before zoom-in or zoom-out), wherein different areas of the video content, corresponding to different areas of the live event are associated with a plurality of audio devices located at the first location (fig. 1: 102; paras 0012, 0101-0102, 0196: live information fed through the data sources 102; live events such as street scene sounds and restaurant sounds are picked up by audio devices at the respective locations and fed to the user display device via an internet network), the audio device capturing audio originating from the different areas in the live event (fig. 1: 102; paras 0012, 0102, 0196: live information fed through the data sources 102; live events such as street scenes sounds and restaurant scene sounds are fed to the user display device); providing the video content of the live event captured at the first location to a user at a second location during the live event wherein the video content is displayed to the user in a graphical user interface (GUI) that enables (fig. 1: 102; paras 0012, 0101-0102, 0196: live information fed through the data sources 102; live events such as street scenes are fed to the user display device via an internet network) that enables the user to select regions of the displayed video content to receive audio from different audio devices at the live event associated with the selected regions (fig. 1: 102; para 0196: live information fed through the data sources 102; user could zoom-in from previous street scene into a restaurant and here sounds from the restaurant); receiving a selection of a first region of the video content fig. 1: 102; para 0196: live information fed through the data sources 102; user could zoom-in from previous street scene into a restaurant and here sounds from the restaurant), the selection made by a user during the live event using the GUI (fig. 1: 102; paras 0012,

0101-0102, 0196: live information fed through the data sources 102; live events such as street scenes are fed to the user display device via an internet network); selecting a first audio device at the first location associated with the at least one area within the first region of the video content (fig. 1: 102; paras 0012, 0101-0102, 0196: live information fed through the data sources 102; live events such as street scene sounds are picked up by audio devices at the location and fed to the user display device via an internet network); and providing live audio from the selected first audio device at the first location to the user at a second location (fig. 1: 102; paras 0012, 0101-0102, 0196: live information fed through the data sources 102; live events such as street scene sounds are picked up by audio devices at the location and fed to the user display device via an internet network).

Claims 5, 7, 14, 18 & 20 have been analyzed and rejected according to claim 1.

Re Claim 8, Orbanes et al discloses the method of claim 1, providing 2-way audio between the user and a second user, the user located at a remote location and the second user located at a first location associated with the video content (para 0171: user display device could be a telephone with 2-way audio communication ability with first location).

Claim 22 has been analyzed and rejected according to claim 8.

Claim 23 has been analyzed and rejected according to claims 1 & 8.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 6, 17, 21 & 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orbanes et al, US Patent Pub. 20020109680 A1 as applied to claim 5 above, in view of official notice.

Re Claim 6, which further recites, "Wherein the parameters include signal to noise ratio." Orbanes does not explicitly disclose a signal to noise ratio as claimed. Official notice is taken that both the concepts and advantages of providing a signal to noise ratio are well known in the art. It would have been obvious to use a signal to noise ratio since it is commonly used to identify the amount of background noise interference in a sound signal as a means to select the audio devices.

Claim 17 have been analyzed and rejected according to claim 6.

Claim 21 has been analyzed and rejected according to claims 1 & 6.

Re Claim 24, which further recites, "Wherein the audio device includes a far-field microphone and a close-talking microphone" as claimed. Orbanes et al fails to disclose a far-field microphone and a close-talking microphone as claimed. Official notice is taken that both the concepts and advantages of providing a far-field and close-talking microphone are well known in the art. Thus it would have been obvious to provide far-field and close-talking microphones to capture various sounds at the live event to provide a viewer with a realistic sound of the live event.

1. Claims 9 & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orbanes et al, US Patent Pub. 20020109680 A1 as applied to claim 1 above, in view of Takahashi et al, US Patent 6654498 B2 and further in view of Rui et al, US Patent 7,349,005 B2.

Re Claim 9, Orbanes discloses the method of claim 1, but fail to disclose further comprising: automatically selecting a second region of the video content, the second region of the video content including at least one second area of the video content associated with a second weight and selected as a result of detecting motion in the video content (*Takahashi et al, col. 5, lines 18-32*), the first region of the video content including at least one area of the video content associated with a first weight (*Takahashi et al, col. 5, lines 18-32; col. 5, lines 47-52*). However, Takahashi et al does. The combined teachings of Orbanes et al and Takahashi et al fail to disclose wherein providing audio includes: providing audio from the audio device associated with the

region of the video content associated with the highest weight (*Rui et al. col. 23, line 63 through col. 24, line 23*). However, Rui et al does.

Taking the combined teachings of Orbanes, Takahashi et al and Rui et al as a whole, one skilled in the art would have found it obvious to modify the method of Orbanes with automatically selecting a second region of the video content, the second region of the video content including at least one second area of the video content associated with a second weight and selected as a result of detecting motion in the video content (*Takahashi et al. col. 5, lines 18-32*), the first region of the video content including at least one area of the video content associated with a first weight (*Takahashi et al. col. 5, lines 18-32; col. 5, lines 47-52*) as taught in Takahashi et al for the purpose of increasing the freedom of image transmission, improving the operability and externally transmitting the intended information with providing audio from the audio device associated with the region of the video content associated with the highest weight (*Rui et al. col. 23, line 63 through col. 24, line 23*) as taught in Rui et al for the purpose of taking into account the desires of the listening/viewing audience.

Claim 19 has been analyzed and rejected according to claim 9.

### **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE C. MONIKANG whose telephone number is (571)270-1190. The examiner can normally be reached on M-F. alt Fri. Off 7:30am-5:00pm (est).



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George C Monikang/  
Examiner, Art Unit 2614

8/14/2009

/Xu Mei/  
Primary Examiner, Art Unit 2614